

THE EDUCATIONAL ENDOWMENTS (IRELAND) ACT, 1885.

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COPY OF SCHEME for the management of THE KILMEAGUE SCHOOL  
and THE PERCEVAL ENDOWMENT, provisionally approved by the Lord  
LIEUTENANT IN COUNCIL. Presented to the HOUSE OF COMMONS, in  
pursuance of the Educational Endowments (Ireland) Act, 1885.

Privy Council Office,  
Dublin Castle,  
27th June, 1895.

}

J. B. DOUGHERTY,  
Clerk of the Council.

*(Presented in pursuance of Act.)*

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*Ordered, by THE HOUSE OF COMMONS, to be printed,  
2nd July, 1895.*

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KILMEAGUE SCHOOL AND PERCEVAL ENDOWMENT.

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We, the undersigned, on behalf of the Parishioners of Kilmeague, beg again to object to the above Scheme, and pray that same may be laid before Parliament.

WILLIAM CURTIS, Kilmeague.

GEORGE LOWE, Baronstown.

WILLIAM THORNTON, Ballyteague Castle.

FRANCIS HILL, Russelstown.

## EDUCATIONAL ENDOWMENTS (IRELAND) ACT, 1885.

*No. 131.**County of Kildare.**Date of Provisional Approval—19th April, 1895.*

## PROVISIONAL APPROVAL BY ORDER IN COUNCIL.

## The Kilmeague School and the Perceval Endowment.

By the Lord Lieutenant and Privy Council in Ireland.

## HOUGHTON.

Whereas the Right Honorable Gerald FitzGibbon and the Right Honorable William O'Brien, the Judicial Commissioners constituted under the Educational Endowments (Ireland) Act, 1885, have, in virtue of the powers conferred upon them by the said Act and the Acts continuing the same, and of every other power enabling them in that behalf, framed and signed under their hands a Scheme relating to the Kilmeague School, and the Perceval Endowment, which Scheme is annexed to this Order :

And whereas the time limited by the said Acts for exercising the powers of making and approving this Scheme has been duly extended, upon special cause shown, with reference to the above-mentioned Endowments, by Orders of the Lord Lieutenant in Council, dated, respectively, March 30, 1893, December 23, 1893, July 26, 1894, and December 31, 1894, in pursuance of the 38th section of the first-mentioned Act :

And whereas all the conditions in regard to the said Scheme, which are required to be fulfilled by the said Acts to enable the said Scheme to be provisionally approved, have been fulfilled :

Now therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland, do, by this Order, pursuant to the 24th and 38th sections of the first-mentioned Act, declare provisionally our approbation of the aforesaid Scheme, and the same is hereby provisionally approved.

Given at the Council Chamber, Dublin Castle, this  
19th day of April, 1895.

S. WALKER, C.  
MORRIS.  
MACDERMOT, A.-G.

[Scheme.  
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## SCHEME REFERRED TO IN THE FOREGOING ORDER.

No. 131.

*County of* **KILDARE.****EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.**

SCHEME framed under the Educational Endowments (Ireland) Act, 1885, for the future government and management of the Educational Endowments of and belonging to "The Kilmeague School" and "The Perceval Endowment," in the County of Kildare.

Whereas by Indenture dated March 7, 1829, between Sir Gerald George Aylmer of the first part, the Right Honourable and Most Reverend Charles Lord Bishop of Kildare of the second part, and the Reverend Arthur John Preston, Minister of the Parish of Kilmeague, of the third part, the said Sir Gerald George Aylmer, in order to enable the said Minister to establish a School in the said Parish of Kilmeague, conveyed the plot of land at Ballentine near Kilmeague, described in the First Schedule hereto, Part I., to the said Minister and his successors for ever, in trust for the use of a Resident Schoolmaster to be appointed by the said Minister, and to and for no other use and purpose, at the yearly rent of one penny if demanded; and it was by the said Indenture provided that the said Schoolmaster should be from time to time appointed and removed by the said Minister for the time being, by writing under his hand, at his sole will and pleasure:

And whereas a building containing a School-room and residence for a Schoolmaster was erected on the said plot of land, and a School was established and carried on therein until the year 1891, when the School was removed as hereinafter mentioned to the site described in the First Schedule hereto, Part II., and the said building is now held and used as a residence for the Master of the said School, and the remainder of the said plot of land is held and occupied by the said Schoolmaster for his own benefit as part of the emoluments of his office:

And whereas by Indenture dated July 10, 1845, between Margaret Cecil Perceval, of Crofton Hall, Kent, of the first part, the Reverend Arthur John Preston of the second part, and Sir Gerald George Aylmer, the Reverend Arthur John Preston, and the Reverend William Aylmer of the third part, after reciting that the said Margaret Cecil Perceval had placed in the hands of the said Arthur John Preston a sum of money, then represented by a sum of £1,128 17s. 6d., Government Stock, in order to found a Charity School for educating the poor children of the Parish of Kilmeague in the Religion of the United Church of England and Ireland, and in reading writing and casting accounts, the said Arthur John Preston transferred to the said Sir Gerald George Aylmer, Arthur John Preston, and William Aylmer, their executors administrators and assigns, as Trustees for the said Charity School, the said sum of £1,128 17s. 6d., Government Stock, to hold the same upon trust to apply the dividends thereof, or of the securities upon which the said sum might for the time being be invested, to establish and maintain a Free School in the Parish of Kilmeague for teaching the poor children, boys and girls, living within the said Parish, the Holy Bible in the approved version of the United Church of England and Ireland, and for causing the same to be read each

day by the pupils attending the School, in which also the boys should be taught to read and write and cast accounts, and the girls to read and write and sew, and in which both boys and girls should be instructed, without fee or reward, in such other branches of learning as the Trustees should think proper for their situation in life; and by the said Indenture it was also provided that it should be lawful for the Trustees thereof for the time being to appoint, from time to time, such persons as they should think fit, being Members of the United Church of England and Ireland, to be Master and Mistress of the said School, and to remove the same, at their discretion, for any gross offence, miscarriage, irregularity or neglect, and to pay such Master or Mistress, out of the dividends or income of the said Stock, such salaries as they should think proper, and that the said Trustees should have power to choose the pupils to be educated in the said School out of the inhabitants of the Parish of Kilmeague, or other the next adjacent parishes, the children of Kilmeague Parish being preferred, and to expel any of the same; and the said Indenture contained a power to the surviving or continuing Trustees to appoint, to any vacancy in their body occurring by death or otherwise, a new Trustee, being a Protestant of the United Church of England and Ireland, of good reputation, and residing in or near the Parish of Kilmeague; provided that the Incumbent of the said Parish for the time being should always be *ex-officio* a Trustee:

And whereas the Trustees aforesaid received the said sum of Stock, and the income thereof was and still is applied to the maintenance of the School hereinbefore mentioned; and in the year 1872 the said School was placed in connection with the Commissioners of National Education, and has since been known as Kilmeague National School, and the Incumbent of the Parish of Kilmeague was and still is the Manager thereof:

And whereas the Trustees of the said Indenture of July 10, 1845, are all dead, and the Trust funds aforesaid were transferred to and are now vested in the Commissioners of Charitable Donations and Bequests for Ireland, and are now represented by the securities mentioned in the Second Schedule hereto, and the income thereof is paid from time to time to the Rev. George Garrett, Incumbent of Kilmeague, as the Manager of the said School.

And whereas by Indenture of Lease dated July 9, 1891, Sir Arthur Percy FitzGerald Aylmer demised to the Rev. George Garrett and William Ireland Wheeler, F.R.C.S.I., as Trustees, for a term of 999 years, at the yearly rent of £5, the buildings and land described in the First Schedule hereto, Part II., for the purposes of the said School, and the said School was thereupon removed from the premises held under the said Indenture of March 7, 1829, to the buildings and premises demised by the said Indenture of July 9, 1891, and the said School has since been and is now carried on in the last-mentioned premises; and the said rent has been, for the benefit of the said School, paid in advance for the period of ten years from the date of the said lease, by the said William Ireland Wheeler, out of his own moneys, and he has been and is now recognised by the Commissioners of National Education as the Patron of the said School:

And whereas by Letter of Agreement dated July 9, 1891, the said Sir Arthur Percy FitzGerald Aylmer agreed with the said William Ireland Wheeler, provided he could legally do so, but at the expense of the said William Ireland Wheeler, to get him a portion of the lands of the said Sir Arthur Percy FitzGerald Aylmer immediately adjoining the premises demised by the said Indenture of July 9, 1891, to be held with the same, and for the same term, for the convenience of the said School, and proceedings were taken in the County Court of Kildare for carrying the said agreement into effect, and for obtaining possession, from the occupying tenant, of a suitable portion of the said adjoining lands for the purpose aforesaid:

And whereas, by Order of the County Court Judge of Kildare, dated January 2, 1893, it was declared that the said Sir Arthur Percy FitzGerald Aylmer was entitled to resume the portion of land described in the First

Schedule hereto, Part III., containing 5a, 2a, 2r, statute measure or thereabouts, for the purpose of making a grant or lease thereof for the enlargement of the site, or for a playground, or for other purposes, in connection with the said School, and the sum of £40 was fixed by the said Order as the amount of the compensation to be paid to the tenant, and it was ordered that the rent of the said tenant's holding should be reduced by the annual sum of £4, as and for the rent of the said portion of land, when resumed as aforesaid :

And whereas the said William Ireland Wheeler, has paid the said sum of £40 out of his own moneys, and has obtained possession of the said portion of land, and has paid or accounted with the said Sir Arthur Percy FitzGerald Aylmer for the rent thereof, at the rate of £4 per annum, up to the gale day next proceeding the date hereof, and has undertaken to devote a sufficient part of the said land, not being less than one statute acre immediately adjoining and surrounding the said School-house, as and for the purposes of an additional site and playground, and for the convenience and advantage of the said School, and it is intended that a lease of the whole of the said portion of land described in the First Schedule hereto, Part III., shall be executed to the Governors hereby constituted, and that in the meantime the said premises shall be vested in and held by them, upon the terms herein mentioned :

And whereas the said several lands, buildings, and premises, and the said funds and securities, and all the estate and interest therein belonging to the said School, or acquired for the purposes thereof as hereinbefore recited, are Educational Endowments within the meaning of the Educational Endowments (Ireland) Act, 1885, and the Patron and Manager of the said School, now being the Governing Body thereof, have intimated, in writing, to the Commissioners under the said Act, their consent that the said Endowments shall be dealt with under the said Act, which applies to the same accordingly :

And whereas it has appeared to the said Commissioners, after due inquiry, that it is expedient to make provision for the future government and management of the said Endowments in manner hereinafter appearing :

Therefore, from and after the date of this Scheme, being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation hereof, the said several Endowments shall be held, governed, managed, and applied for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Charter, Scheme, Decree, Order, Deed, Agreement, Instrument, Trust, or Direction, relating to the subject matter of this Scheme, to the contrary notwithstanding.

#### *Preliminary.*

*Interpretation of Terms.*

1. For the purposes of this Scheme, unless the context otherwise requires, the following terms shall be interpreted as follows :—

"The Act" shall mean the Educational Endowments (Ireland) Act, 1885.

"The Governors" shall mean the Governors of the Kilmeague School and the Perceval Endowment, hereby incorporated.

"The School" shall mean the educational institution now known as Kilmeague National School, formerly carried on upon the premises held under the said Indenture of March 7, 1829, and now carried on upon the premises held under the hereinbefore-recited Indenture of July 9, 1891, and Order of January 3, 1893, and shall include any other School or Schools for the time being managed, maintained, or aided by the Governors under the provisions of this Scheme.

"The Endowments" shall mean and include all the lands, buildings, hereditaments, moneys, securities, chattels, and effects, mentioned in the Schedules hereto, and all rents, dividends, and income thereof, due and accruing, and all other property, real and personal, at the date of this Scheme held or possessed by the Trustees of the hereinbefore recited Indentures, or under the hereinbefore-recited Order, or held by any other person or persons, in trust for or applicable to the purposes of the School, and shall also include all or any other property, real or personal, which may hereby or hereafter at any time become or be vested in the Governors for the purposes of this Scheme.

"The Bishop" shall mean the Bishop of the Diocese of Kildare for the time being, duly appointed in accordance with the constitution of the Church formerly established by law, and referred to in the Irish Church Act, 1869, as the Church of Ireland, hereinafter referred to as the said Church, whether he shall hold the See of Kildare in conjunction with any other See or not, and shall include any person for the time being authorised, under the said constitution, to discharge the duties of the said Bishop.

"The Diocesan Council" shall mean the Diocesan Council of the Diocese of Kildare, appointed in accordance with the constitution of the said Church, and shall include any authority duly empowered under the said constitution to perform the functions now performed by the said Diocesan Council.

"The Incumbent," "The Churchwardens," and "The Select Vestry," respectively, shall mean the Incumbent, the Churchwardens, and the Select Vestry of the Parish of Kilmeague, in the Diocese of Kildare, for the time being, duly appointed in accordance with the constitution of the said Church, and shall include any person or persons, and any authority, duly empowered under the said constitution to perform the duties and functions now performed by the said Incumbent, Churchwardens, and Select Vestry, severally and respectively.

"Intermediate Education" shall mean education in such subjects as may be included in the Programme of Examinations held by the Intermediate Education Board for Ireland.

"Elementary Education" shall mean each education as may be given in the Schools which are aided by grants from the Commissioners of National Education in Ireland, herein referred to as National Schools.

"Technical Education" shall mean and include all technical instruction and manual instruction within the meaning of the Technical Instruction Act, 1889, and all other theoretical and practical instruction and training which may directly tend to prepare young persons for agriculture or any other industry, or for any trade, handicraft, or commercial pursuit.

### *The Governing Body.*

2. From and after the date of this Scheme, a Governing Body shall be formed for the future government and management of the School and of the Endowments. The Governing Body shall consist of the Bishop, or his Deputy nominated as hereinafter provided; William Ireland Wheeler, F.R.C.S.I., or other the Patron of the School recognised as such by the Commissioners of National Education; the Incumbent; and the Churchwardens; all for the time being; with the co-opted Governors, and the additional Governor or Governors, if any, elected as hereinafter provided.

*Incorporation of  
Governing Body.*

Every Governor shall be a member of the said Church.

The Bishop may, at any time and from time to time, by writing under his hand, nominate a qualified person to act as his Deputy in his absence and in his place, during such time and subject to such conditions as the Bishop may by such writing declare.

The Governors for the time being shall be capable of exercising all the powers of the Governors under this Scheme, notwithstanding any vacancy or vacancies in their number.

The Governors shall constitute a Body Corporate, by the name of "The Governors of the Kilmogue School and the Perceval Endowment," with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme.

Co-opted  
Governors.

3. The first co-opted Governors shall be such of the following persons as at the date of this Scheme, shall be qualified able and willing to act as Governors; namely—

1. Robert M. Wilson, J.P., Coolcarrigan House, Donadea.
2. Rev. H. C. Murphy, LL.D., Clonsast, Rathangan.

If at the date of this Scheme either of the above-named co-opted Governors shall not be qualified, able, and willing to act as a Governor, and whenever thereafter any co-opted Governor shall vacate office, the remaining Governors, as soon as conveniently may be, at a meeting held on due notice for the purpose, shall co-opt a qualified person, resident or an owner of landed property in the County of Kildare, or a person of experience in education or otherwise specially qualified to assist the Governors in the discharge of their duties, to be a Governor, who shall hold office for such period, not being less than three calendar years, and subject to such conditions, as the Governors, before or at the time of his appointment, may prescribe, or until he shall vacate office as hereinafter provided.

Additional  
Governors.

4. So long as the Select Vestry shall make an annual contribution of not less than Five Pounds to the funds of the School, paid before the First day of July in each calendar year, the Governors shall co-opt a member of the Select Vestry to be an additional Governor for the calendar year in and for which the said contribution shall be paid.

The Governors may also from time to time provide, upon such terms and subject to such conditions as may be agreed upon between themselves and the Select Vestry, for the making and continuance by the Select Vestry of a further annual contribution of not less than Five Pounds to the funds of the School, and for the election by the Select Vestry, so long as such annual contribution shall be continued, of one additional Governor, in addition to the member of the Select Vestry to be co-opted as hereinbefore provided.

If and whenever there shall be ten or more Subscribers to the funds of the School, qualified as hereinafter prescribed, the Governors shall provide for the election of an additional Governor or of additional Governors by the Subscribers; and they may determine, from time to time, the time and manner of holding the election, the period, not being less than one calendar year, for which the elected Governors shall hold office, and the method of filling casual vacancies in the office of additional Governor; provided that there shall not be more than two additional Governors elected by Subscribers, in all, at any one time, and that not more than one additional Governor shall be elected for every ten qualified Subscribers for the time being. The qualification entitling a Subscriber to vote during his life shall be a contribution, in one sum, of not less than Five Pounds to the funds of the School, and the qualification entitling a Subscriber to vote for one year shall be an annual subscription of not less than Ten Shillings to the funds of the School, and no annual Subscriber shall be entitled to vote as such if his subscription for the current year is unpaid, nor within six months after the payment of his first annual subscription; and no sum included in any contribution made by the Select Vestry as hereinbefore provided shall be also included in the amount required to qualify a Subscriber under this clause.

#### *Vesting and Transfer of the Endowments.*

Vesting and  
Transfer of  
Endowments.

5. From and after the date of this Scheme the Endowments, and all rights and remedies for recovery thereof, except such of them as at the date of this Scheme shall be vested in the Commissioners of



Charitable Donations and Bequests for Ireland, shall, without any new conveyance or instrument, be transferred to and vested in the Governors, and shall be thenceforth held by them and their successors for ever, upon and for the trusts and purposes of this Scheme, subject to the conditions and provisions herein contained, and to all such rents, charges, rights, tenancies, easements, and liabilities as at the date of this Scheme may lawfully affect the same; and all other property, securities, goods, chattels, debts, and moneys held by any person or persons in trust for or applicable to the purposes of the School, or payable to the Trustees thereof, shall be delivered, transferred, and paid to the Governors, by the person or persons possessed thereof or bound to pay the same, and the receipt of the Governors, duly executed as hereinafter provided, for any transfer, delivery, or payment hereby directed, shall be a good discharge for the person or persons making the same, and he or they shall not thenceforth be answerable for the application thereof.

From and after the date of this Scheme, the Commissioners of Charitable Donations and Bequests for Ireland shall continue to hold, upon trust for the Governors, the securities specified in the Second Schedule hereto, and the income and accumulations thereof, and any other of the Endowments which may be vested in them, and shall pay the income and annual produce of the said Endowments to the Governors, to be by them applied for the purposes of this Scheme.

#### *Trusts of the Endowments.*

6. From and after the date of this Scheme, subject to the conditions and provisions herein contained, the Endowments and all other property available for the purposes of this Scheme, shall be received and held by the Governors upon trust to maintain, in the Parish of Kilmesogue, a School for Day Pupils, in which instruction shall be given in such branches of Elementary, Intermediate, or Technical Education as the Governors, from time to time, shall think best suited to the wants of the locality and the requirements of the pupils; and also to maintain and keep a residence or residences for the Teacher or Teachers, and land for the use advantage and accommodation of the School, and of the Teacher or Teachers thereof, as hereinafter provided.

Trusts of the  
Endowments.

#### *Application of the Endowments.*

7. The buildings and land described in the First Schedule hereto, Part I., shall from time to time be held and used by the Governors as a residence for the Teacher or Teachers, and for the use advantage and accommodation of the School, or of the Teacher or Teachers thereof; subject to the provisions of the hereinbefore recited Indenture of March 7, 1839, and to any rules or regulations of the Commissioners of National Education applicable thereto, and subject also to the provisions of this Scheme as to the sale or letting thereof, in the event hereinafter mentioned.

The School  
Premises.

The buildings and land described in the First Schedule hereto, Part II., and not less than One Statute Acre of the lands described in the First Schedule hereto, Part III., shall from time to time be held and used by the Governors for the purposes of the School, subject to the provisions of the hereinbefore recited Indenture and Agreement of July 9, 1891, and Order of the County Court Judge dated January 2, 1893, and to any rules and regulations of the Commissioners of National Education applicable thereto, and subject also to the provisions of this Scheme as to the sale or letting of any part of the last-mentioned lands, over and above One Statute Acre, which may not be required for the purposes of the School, or for the erection of suitable out-offices, or for a Teacher's residence, or for a play-ground, or otherwise for the use advantage and accommodation of the School, or of the Teacher or Teachers thereof.

8. All moneys received by the Governors under or for the purposes of this Scheme, subject to the other provisions herein contained, and to any special trusts or conditions upon which any additional Endowments may

The Money Funds

hereafter he received, shall be expended and applied by the Governors for the following purposes, or for such and so many of them as to the Governors shall from time to time seem expedient :—

(a.) To maintain the school buildings, furniture, appliances, and premises, in good order and condition, and to make such additions thereto, and such improvements therein, as may be required from time to time.

(b.) To pay all rents, taxes, cost of insurance and other charges, necessarily or properly payable out of or for the School or the Endowments, and to defray the necessary working expenses of the School, and the cost of maintaining and managing the School and the Endowments.

(c.) To employ and pay such Teachers and other persons as the Governors may deem it expedient to engage for the instruction of the pupils in the School, including persons qualified to give Technical instruction, and to provide such appliances, materials, and things as the Governors may deem necessary for the purposes aforesaid.

(d.) To provide prizes for the most deserving pupils; such prizes may be awarded in money, or in remission of school fees, or in such other manner as the Governors may deem best calculated to stimulate the industry and promote the progress of the pupils.

(e.) To advance in life deserving pupils whose circumstances are such that they need assistance on leaving school. Such assistance shall, in each case, be given with due regard to the circumstances and needs of the pupil receiving the same, and may be given as or towards apprenticeship fees, or the cost of obtaining special instruction or more advanced education elsewhere, or in such other mode, and subject to such conditions, as the Governors may, in each case, consider most advantageous.

(f.) To defray any other expenses incurred in carrying out the purposes of this Scheme.

#### *General Provisions as to the School.*

##### **School Buildings and Lands.**

9. The School shall continue to be maintained in the buildings and on the lands described in the First Schedule hereto, Parts II. and III. If, at any time, the said lands shall be found more than sufficient for the purposes of the School, the Governors may fence off not less than One Statute Acre thereof, adjoining the School buildings, and shall reserve and appropriate the same to the purposes of the School, and the remainder of the said lands, not being required for the purposes of the School, may be sold, let, or otherwise disposed of by the Governors, to the best advantage.

The premises described in the First Schedule hereto, Part I., shall continue to be held and used by the Governors as and for the residence use and advantage of the Teacher or Teachers of the School, unless and until the Governors shall have acquired or provided another suitable and convenient residence for the said Teacher or Teachers, approved by the Commissioners of National Education, and thereupon the Governors, with the sanction of the said Commissioners, may sell let or otherwise dispose of the said premises described in the First Schedule hereto, Part I., to the best advantage, if the said Commissioners are satisfied that the same are no longer required for the purposes of the School, or of the Teacher or Teachers thereof.

##### **Connection with National Board.**

10. The School shall remain in connection with and under the inspection of the Commissioners of National Education, so long as the said Commissioners shall permit, and, during such connection, the same shall be governed and managed in accordance with the Rules and Regulations of the said Commissioners, which, notwithstanding anything herein contained, shall then apply to

and he observed in the School. The Incumbent of Kilmeague, if willing and able to act, shall be the Manager of the School, subject to the said Rules and Regulations. Whenever the Incumbent shall be unable or unwilling to act as Manager, the Governors, subject as aforesaid, may appoint one of their own number, or some other fit and proper person, to be the Manager.

11. So far as the funds at their disposal will allow, the Governors shall permit the children of poor parents belonging to the Parish of Kilmeague and the adjoining parishes, to receive Elementary Education in the School as day pupils, free of charge; subject to any rules and regulations applicable to the School, the Governors may from time to time authorise the charge of such school-fees as they may think reasonable, to other children of the said parish, or to children from other parishes, attending the School. Provided that the privilege of receiving education free of charge, subject as aforesaid, may be withdrawn in the case of any pupil who fails in any School year to make the number of attendances required by the Rules and Regulations of the Commissioners of National Education, or, in the absence of such Rules and Regulations, one hundred attendances at the least, unless the Governors in their discretion, for special reason, shall otherwise determine.

School Fees.

12. The Governors shall provide daily religious and scriptural instruction, in accordance with the hereinbefore recited Indenture dated July 10, 1845, for all such of the pupils attending the School as shall be members of the said Church, or shall be willing to receive such instruction; provided that, so long as the School shall be in connection with the Commissioners of National Education, such instruction shall be given in accordance with the Rules and Regulations of the said Commissioners in force for the time being; provided also that no pupil attending the School shall at any time be compelled or permitted to receive or to be present at any religious instruction to which his or her parents or guardians object, and that the arrangements for giving religious instruction shall be so made that no pupil attending for secular instruction only shall be excluded, directly or indirectly, from any of the advantages of the secular education given in the School.

Religious Instruction

13. On Sundays, and at such other times as the School premises shall not be required for the purposes of the School, the Governors, subject to any rules and regulations for the time being applicable thereto, may permit the same, or any part thereof, to be used for any parochial, religious, charitable, or local purposes which they shall approve, upon such terms as they shall think fit.

Use of School Premises.

#### *Additional Endowments.*

14. The Governors may obtain and accept grants and conveyances of property, and may collect, receive, acquire, and hold donations, devises, bequests, subscriptions, and other additional endowments, real or personal, and may apply the same for all or any of the purposes of this Scheme. They may also collect, receive, acquire, and hold donations, devises, bequests, subscriptions, and other endowments, real or personal, and may apply the same for any object connected with all or any of the purposes of this Scheme, which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be included in the accounts to be kept by the Governors under this Scheme.

Donations, Bequests, and Subscriptions.

15. The Governors may make all arrangements from time to time necessary to enable them to obtain for the School from the Commissioners of National Education, from the Intermediate Education Board, from the Commissioners of Public Works, from the Science and Art Department, from any Local Authority, or from any other public body, or under any Statute, any aid, by way of teachers salaries, results fees, prizes, provision for technical industrial or other special education, and grants or loans for building or other purposes, which may at any time be available for or open to like schools or the pupils thereof; and they may, notwithstanding anything herein contained, place the School, or any

Aid from Public Sources.

or all of the classes or pupils thereof, in connection with or under the inspection of any such public body as aforesaid, and they may comply with any conditions rules or regulations, including conditions as to the appointment of Governors, for the time being in force respecting schools classes or pupils receiving such aid. All money and other aid which the Governors may so receive shall, subject to such conditions rules and regulations, be applied by the Governors in conformity with the provisions of this Scheme, and accounted for accordingly.

*General Provisions as to Governing Body.*

**Chairman and  
Quorum, and  
Meetings.**

16. The Bishop shall be the Chairman, and the Incumbent shall be the Vice-Chairman, of the Governors. The Chairman shall preside at all meetings of the Governors at which he is present; in the absence of the Chairman, the Vice-Chairman shall preside; in the absence of the Chairman and Vice-Chairman, the Governors present shall elect one of their own number to act as Chairman for the occasion. Two Governors shall constitute a *quorum* for all purposes except the use of the common seal: for the use of the common seal, three Governors shall constitute a *quorum*. All matters and questions shall be determined by the majority of the Governors present; in every case of equality of votes, the Chairman of the meeting shall have a second or casting vote, except when only two Governors shall vote and shall differ in opinion, in which case the question shall be deferred until a larger number of Governors shall be present and shall vote thereon. Within three calendar months after the date of this Scheme, at a time to be appointed by requisition of the Chairman, Vice-Chairman, or any three other Governors, and once at least in every six months thereafter, the Governors shall hold a meeting at the School. At each meeting held at the School, the Governors shall examine for themselves into the condition of the School premises, and the efficiency of the education given to the pupils. The Governors may meet at such other times and places as they shall think expedient, and they shall make provision that one or more of the Governors shall visit the School once at the least in every month except during vacation, and shall record his or their visit in a book to be provided by the Governors for that purpose, which shall be laid before the Governors at each meeting. Notice of every meeting shall be given to each Governor three clear days, or such other time as the Governors may direct, before the meeting. The Chairman, or Vice-Chairman, or any three other Governors, may at any time summon a special meeting, giving notice to each Governor three clear days, or such other time as the Governors may direct, before the meeting, specifying in the notice the object of the meeting. Every meeting may adjourn for the completion of its business to such time and place as the Governors present may appoint.

**Minute-Books  
and Documents.**

17. Minute books shall be kept by the Governors in which all their proceedings shall be duly entered. All deeds and other documents sealed with the common seal, and signed at any meeting by the Chairman of the meeting and two other Governors, shall be held to be validly executed on behalf of the Governors.

**Committees.**

18. The Governors may, from time to time, appoint from their own number any Committee or Committees which they shall think fit, to superintend and carry into execution any orders, rules, or directions of the Governors with respect to the purposes of this Scheme, or to manage any business which the Governors may deem it expedient to depute to a Committee. The Governors may fix the *quorum*, define the duties, and regulate the proceedings of every Committee, as they may think fit.

**By-laws and  
Regulations.**

19. Subject to any rules and regulations applicable to the School, the Governors may from time to time make such by-laws and regulations as they shall consider convenient and needful for the good management of the School, or of the Endowments, and for giving effect to the other provisions and purposes of this Scheme; provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that

the same may be repealed, altered, and amended by the Governors, as they may from time to time think fit. Unless and until the Governors shall otherwise provide, any rules, orders, by-laws, and regulations relating to the School or the Endowments, in force at the date of this Scheme, so far as the same are consistent with the provisions of this Scheme, shall remain in force, and shall be observed by the Governors.

20. The Governors shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year ending the thirty-first day of December, or each other day as the Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Governors may appoint, to an Auditor of the Local Government Board, or to some other competent authority approved by the said Board. The Local Government Board may fix, and the Governors shall pay, such reasonable sum as shall be necessary to defray the cost of audit. The Governors shall keep an account with such bank as they may from time to time select, and all moneys receivable or payable by them, except petty cash, shall be lodged to or drawn from such account, and every cheque shall be signed by two Governors, at the least, thereto authorised.

*Accounts and Audit.*

21. If and whenever the Lord Lieutenant shall appoint an Inspector in pursuance of the Act, section 17, he shall inspect the School once at the least in each year, and as much oftener as the Lord Lieutenant may direct, and shall present his report thereon to the Lord Lieutenant; and the remuneration of the Inspector, when fixed by the Lord Lieutenant, shall be defrayed by the Governors out of the Endowments. Provided that, unless and until the Lord Lieutenant shall appoint an Inspector of the School in pursuance of the Act, section 17, each Inspector from time to time appointed by the Commissioners of National Education to inspect the School, in accordance with the Rules and Regulations of the said Commissioners, shall be deemed to be the Inspector appointed by the Lord Lieutenant under the Act, and the reports of every such Inspector shall be presented by the Governors to the Lord Lieutenant; but the said Inspector shall not be entitled, as such, to any remuneration in addition to the remuneration which he may be entitled to receive from the said Commissioners.

*Inspection.*

22. Subject to the provisions of this Scheme, and subject to any rules and regulations applicable to the School, the Governors shall have and exercise general supervision and control over the School; they shall determine the various subjects of education to be taught therein; they shall fix the terms and vacations, and may make such provision as they shall think fit for the maintenance of order and discipline. Subject as aforesaid, they may appoint from time to time, upon such terms as they shall think fit, and at such salaries as they deem sufficient, the several members of the teaching staff employed in or about the School, and all such other officers and servants as they shall deem requisite. Subject as aforesaid, and subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act, every teacher, officer, and other person in the employment of the Governors, shall be removable by the Governors for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding three months salary, in lieu of notice. No person appointed to any paid office or employment under the Governors, or entitled to any emolument out of the Endowments, or holding any part of the Endowments as tenant under the Governors and liable to pay rent to them, shall be capable of becoming or shall continue to be a Governor.

*Powers of Governors.*

#### *Management of Property.*

23. The Governors may, from time to time, make such arrangements as they may deem expedient for the custody of their common seal, and of all deeds and documents belonging to the Endowments, and for the management of the property vested in them. Subject to the other provisions of this Scheme, they may also, with the consent of the Commissioners of Charitable

*Management, Vesting, and Sale.*

Donations and Bequests, sell, exchange, let, or otherwise dispose of any lands or buildings vested in them, not being required for the purposes of the School, or for the residence or use of the Teacher or Teachers thereof, so that every such dealing shall be carried out to the best advantage, and that all money obtained thereon, other than current rents, shall be treated as part of the capital of the Endowments, and shall be invested or otherwise disposed of in accordance with the provisions of this Scheme.

#### **Investments.**

24. The Governors may from time to time sell or call in any property, vested in them, other than lands or buildings, and may invest the moneys arising therefrom, or other the capital of the Endowments, and may also invest and accumulate any surplus or residue of income not required in any year for the purposes of the School, in any of the public stocks, funds, or securities of the United Kingdom, or of any colony or dependency thereof; or in the stock of the Bank of England or of the Bank of Ireland; or upon freehold or leasehold securities, or in the purchase of perpetual rents or rentcharges, in the United Kingdom; or upon the bonds, debentures, or mortgages of any municipal commercial or other joint stock company or corporation, carrying on business or constituted for any purpose in the United Kingdom, or in any colony or dependency thereof; or in any other securities authorised by law, or by the practice of the High Court of Justice, for the investment of trust funds. The Governors may, from time to time, vary such investments, and they may from time to time resort to the accumulations of income from any previous year, and may apply the same for the purposes of this Scheme.

#### *Provision for Vested Interests and Retiring Allowances.*

#### **Vested Interests and Retiring Allowances.**

25. Every individual who, at the date of the passing of the Act, held, and at the date of this Scheme shall continue to hold, any office, place, employment, pension, compensation, allowance, or emolument, under or arising out of the Endowments, shall continue to hold and shall be entitled to receive the same from the Governors, upon the same terms, and in the same manner in every respect, as he or she held and was entitled to receive the same at the date of the passing of the Act; every such individual shall remain bound to perform the same and all like duties for the Governors, so long as his or her employment shall continue, as he or she would have been bound to perform for his or her existing employers if this Scheme had not passed; and his or her employment may be determined by the Governors at any time after the date of this Scheme by dismissal for the like cause, or upon the same notice or payment in lieu of notice from the Governors, for or upon which such existing employers might have determined such employment if this Scheme had not passed. The Governors may grant to any such existing officer, or to any officer appointed after the date of the passing of the Act, who otherwise than from wilful misconduct shall become incapable of further duty, or whose services shall no longer be required, such retiring allowance or gratuity, to be fixed by the Governors with due regard to length of service and to the circumstances of his or her employment, and to the circumstances of the Endowments, as the Commissioners of Charitable Donations and Bequests for Ireland shall approve.

#### *Payment of Expenses.*

#### **Payment of Expenses.**

26. The Governors, subject to the other provisions of this Scheme, shall pay out of the Endowments all charges which under the provisions of the Act shall be properly and necessarily payable by the Governors or out of the Endowments, for the taxed costs and expenses of this Scheme, if any, or for audit and inspection, or for other purposes.

#### *Discharge of the Existing Trustees.*

#### **Discharge of Existing Trustees.**

27. Immediately after the date of this Scheme, the existing Trustees, other than the Commissioners of Charitable Donations and Bequests, shall proceed to pay and discharge, out of the moneys in their hands, all the

salaries, outgoings, and liabilities due or payable by them up to the date of this Scheme, including their costs of and incident to the preparation of this Scheme (such costs, if any, to be taxed and certified by the proper officer of the High Court of Justice in Ireland), and shall prepare a final account of all their receipts and disbursements, commencing from the last audited annual account, and shall submit the same for audit to the Local Government Board, or to such other competent authority as the said Board shall approve. Upon such audit, the net cash balances remaining in the hands of the said Trustees, or of their agents, treasurers or bankers, or of any other person on their account, shall be ascertained and certified, and thereupon the same, and all securities held by the said Trustees, shall forthwith be paid or transferred to the Governors, to be by them held and applied for the purposes of this Scheme and accounted for accordingly. The said Trustees, other than the said Commissioners, and all or any other persons having custody thereof, shall at the same time deliver to the Governors all books, documents, and other chattels and effects belonging to or held by them as or for such Trustees, who shall thereupon be discharged. All rents, debts, and other sums then accruing or payable to or recoverable by the said Trustees shall thereupon and thenceforth accrue and become payable to and recoverable by the Governors, and all sums then payable by or recoverable from the said Trustees, and all contracts then binding upon them, shall, thereupon and thenceforth, to the same extent and out of the same funds, be payable by and recoverable from and binding upon the Governors hereby constituted.

#### *Printing of Scheme.*

28. The Governors shall cause this Scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price. Printing of Scheme.

#### *Alteration of Scheme.*

29. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any matter whatsoever, upon the application of the Governors, or upon the application of the Diocesan Council, but except upon such application no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act. Provided that the Governors shall not be deemed to have made such application, unless the resolution authorising the making thereof shall specify the nature of the alteration required, and shall have been passed with the concurrence of not less than three Governors, at a meeting of the Governors specially convened for the purpose. Alteration of Scheme.

### SCHEDULES REFERRED TO IN THE FOREGOING SCHEME.

#### FIRST SCHEDULE.—THE SCHOOL BUILDINGS AND PREMISES.

##### PART I.

##### *The Old Schoolhouse and Land.*

1. A plot of ground, being part of the lands of Ballentine, containing one acre, Irish Plantation measure, bounded on the North by the road leading from Kilmeague to Naas, on the South by part of the lands of Ballentine, on the East by the Townland of Russellstown, and on the West by the high road from Prosperous to Kildare, situate in the Parish of Kilmeague, Barony of Connell, and County of Kildare, held for ever under Fee Farm Grant, dated March 7, 1829, at the yearly rent of one penny if demanded.

2. All rents, profits, fixtures, goods and chattels, belonging to the said premises and included in the Endowments, at the date of this Scheme.

## PART II.

*The New Schoolhouse and Land.*

1. A plot of land, being part of the lands of Kilmeague, in the Parish of Kilmeague, and County of Kildare, with the buildings thereon, formerly the Courthouse of Robertstown, now used as the Kilmeague Schoolhouse, with the garden attached thereto, held under Indenture of lease, dated July 9, 1891, for a term of 999 years, at the yearly rent of £5, which rent has been paid in advance for the period of ten years from the date of the said lease.

2. All rents, profits, fixtures, furniture, goods and chattels, belonging to the said premises and included in the Endowments, at the date of this Scheme.

## PART III.

*The New School Lands.*

1. All that part of the lands of Kilmeague adjoining the last-mentioned premises, and containing 5 acres, 2 roods, 2 perches, statute measure, or thereabouts, included in the Agreement dated July 9, 1891, and Order of the County Court Judge dated January 2, 1893, recited in the foregoing Scheme; held under Agreement for the like term with the Kilmeague Schoolhouse, subject to the yearly rent of £4.

2. All rents profits and produce of the said lands, due accruing or in hands, at the date of this Scheme.

## SECOND SCHEDULE.—THE PERCEVAL ENDOWMENT.

1. A sum of £518 17s. 0d. Government Stock, standing in the Books of the Governor and Company of the Bank of Ireland, in the names of the Commissioners of Charitable Donations and Bequests for Ireland, in trust for the Kilmeague School.

2. A sum of £184 0s. 3d., Bank of Ireland Stock, standing in the Books of the said Bank, in the names of the said Commissioners, upon the same trust.

3. All moneys due, accruing, accumulated, or in hand, on account of the capital or income of the said Endowment, at the date of this Scheme.

We, the Judicial Commissioners constituted under the Educational Endowments (Ireland) Act, 1888, having duly considered the foregoing Scheme, hereby submit the same for the approval of the Lord Lieutenant in Council under the said Act, duly signed by both of us under our hands, this seventeenth day of September, 1894.

GERALD FITZGIBBON, }  
WILLIAM O'BRIEN, } *Judicial Commissioners.*

Witness :

N. D. MURPHY,

*Secretary.*



# The Educational Endowments (Ireland) Act, 1885.

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## PROVISIONAL ORDERS IN COUNCIL.

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(48 and 49 Viet., cap. 78.)

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### SCHEMES FOR:—

- No. 125.—Counties of Meath and Longford—The Charlton Charity.  
 No. 131.—County Kildare—The Kilmeagaw School and the Perceval Endowment.  
 No. 143.—County Louth—The Viscount Limerick's Endowment, Dundalk.

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### NOTICE.

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Notice is hereby given, that the Lord Lieutenant in Council, by Orders dated the 19th day of April, 1895, provisionally approved, pursuant to the 24th Section of the said Act, of the above-mentioned Schemes, respectively.

Any one of the said Schemes may be finally approved, unless within two months after the first publication of this Notice a Petition is presented to the Lord Lieutenant in Council praying that the same may be laid before Parliament, as provided by the 24th Section of the above-cited Act.

The first publication of this Notice is the 22nd day of April, 1895.

W. S. B. KAYE.

PRIVY COUNCIL OFFICE, DUBLIN CASTLE,  
 20th April, 1895.

Memo.

The Objections in this matter came before a Committee of the Privy Council on the 25th March, 1895, and Counsel having been heard on behalf of the objectors, and also in support of the Scheme, the Lord Chancellor announced that the Committee would recommend the Lord Lieutenant in Council to provisionally approve of the Scheme.

Privy Council Office,

Dublin Castle.

# EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

## SCHEME No. 131.—COUNTY OF KILDARE. THE KILMEAGUE SCHOOL AND THE PERCEVAL ENDOWMENT.

**OBJECTIONS** lodged with the Clerk of the Privy Council against the above Scheme, and **OBSERVATIONS OF THE JUDICIAL COMMISSIONERS** thereon.

### OBJECTIONS on behalf of THE SELECT VESTRY AND PARISHIONERS OF KILMEAGUE.

On behalf of the Select Vestry and Parishioners of Kilmeague, we respectfully beg to lodge the enclosed Objections to the proposed Scheme of the Kilmeague Endowed School.

Signed,

WILLIAM THORNTON, Ballyteague, Select Vestryman.

WILLIAM CARTER, Grangeclare, Churchwarden.

Dated at Kilmeague this 14th November, 1894.

At a Special Meeting of the Select Vestry on 5th day of November, 1894, in Kilmeague Church, for the purpose of considering the proposed Scheme of the Kilmeague Endowed School, the Chairman declined to receive resolutions on the subject as being outside the business of a Select Vestry.

We, the Members of said Select Vestry, respectfully beg to record our Objections to the said Scheme.

- (1) We object to any Clergyman, other than the Bishop and the Incumbent, being made a Governor or one of the Governing Body.
- (2) We object to any person non-resident, or not possessed of property in the Parish, being made a member of the Governing Body, without being required to subscribe to the funds of the School.
- (3) We object to the rule requiring the Select Vestry, or other Parishioners interested in the School management, to subscribe to the funds of the School, to qualify them to become members of the Governing Body, or to vote for a co-opted Governor of said Body.
- (4) As the Old Schoolhouse (now the Teacher's residence), with the plot of land (about one Irish acre), was a gift, rent free, for ever to the Parish, we object to its being set, sold, or otherwise disposed of.
- (5) As the New Schoolhouse will be under rent after the expiration of ten years from July, 1891, we object to a rented School in exchange for a free one.
- (6) We object to the expense of the newly acquired plot of land (about 5½ acres statute), and to the expense of a new residence thereon.

Samuel Stronge, Donbyrn, farmer.  
George M. Lowe, Boreinstown, farmer.  
Joseph Carter, Grangeclare, farmer.  
William Tyrrell, Grangeclare, farmer.  
Joseph Lazenby, Kilmeague, farmer.

Francis Hill, Roselinstown, farmer.  
Richard Price, Grangeclare, farmer.  
William Carter, Grangeclare, farmer.  
William Thornton, Ballyteague, farmer.

### THE KILMEAGUE SCHOOL AND PERCEVAL ENDOWMENT.

We, the undersigned Parishioners of Kilmeague Parish, respectfully beg to lodge the following objections to the proposed Scheme of the Kilmeague Endowed School:—

- (1) We object to any Clergyman, other than the Bishop and the Incumbent, being made a Governor or one of the Governing Body.
- (2) We object to any person non-resident, or not possessed of property in the Parish, being made a member of the Governing Body, without being required to subscribe to the funds of the School.
- (3) We object to the rule requiring the Select Vestry, or other Parishioners interested in the School management, to subscribe to the funds of the School, to qualify them to become members of the Governing Body, or to vote for a co-opted Governor of said Body.
- (4) As the Old Schoolhouse (now the Teacher's residence), with the plot of land attached (about one Irish acre), was a gift, rent free, for ever to the Parish, we object to its being set, sold, or otherwise disposed of.
- (5) As the New Schoolhouse will be under rent after the expiration of ten years from July, 1891, we object to a rented School in exchange for a free one.
- (6) We object to the expense of the newly acquired plot of land (about 5½ acres statute), and to the expense of a new residence thereon.
- (7) We object to the Endowment money or interest thereon being turned to any use other than that for which it was originally intended.

[Eighty-one Signatures].

## OBSERVATIONS OF THE JUDICIAL COMMISSIONERS.

The Judicial Commissioners, at the request of the Clerk of the Privy Council, respectfully submit the following Observations upon the foregoing Objections, for the consideration of the Lord Lieutenant in Council:—

The preparation of the Scheme for the Kilmacogue School and the Perceval Endowment was undertaken by the Commissioners, with the concurrence of the Commissioners of Charitable Donations and Bequests, upon the application of the Rev. George Garrett, Incumbent of the Parish of Kilmacogue, and Manager of the School, and William Ireland Wheeler, F.R.C.S.I., the Patron, who has provided the present Schoolhouse and the land belonging thereto for the purposes of the School. Though the School is conducted as a National School, the Endowment is connected with "The Church of Ireland," and, except with the consent of the Rev. George Garrett and Mr. Wheeler, the Educational Endowments (Ireland) Act, in the opinion of the Judicial Commissioners, does not apply. That consent has been given to the Scheme now submitted for the consideration of the Lord Lieutenant in Council, and the Judicial Commissioners submit that they would not be justified in making any material alteration in its provisions without the concurrence of those upon whose application it has been framed.

The Endowments consist (1) of an old Schoolhouse, with one acre of land, situated about three quarters of a mile from the village of Kilmacogue; (2) of the new Schoolhouse, with a garden and five acres two rods two perches of land, situated in the village of Kilmacogue, and acquired for the purposes of the School by and at the expense of Mr. Wheeler, subject to a rent of £3 upon the Schoolhouse, which he has paid in advance for ten years; and to a rent of £4 for the land. These rents are much less than the annual value of the premises; (3) the Perceval Endowment, consisting of £518 17s. Government Stock, and £184 Bank of Ireland Stock, worth in all about £1,100, held by the Commissioners of Charitable Donations and Bequests in trust for the Kilmacogue School.

The Commissioners held a Preliminary Inquiry in Dublin on Oct. 13, 1891.

Report 1891-2, pp. 13-22.

The Rev. George Garrett, Mr. Wheeler, and representatives of the Parishioners attended. It appeared that the old Schoolhouse had been condemned as unsanitary by Sir Charles Cameron, who presented a report upon it to the Commissioners of National Education. By letter dated July 4, 1891, those Commissioners, "in view of the opinion expressed by Sir Charles Cameron and the reports of the District Inspector of National Schools," stated that they "must insist upon a change of house being made without any avoidable delay."

Mr. Wheeler thereupon purchased the new Schoolhouse, which had previously been a Petty Sessions Courthouse. He paid the rent for ten years in advance, and he fitted it up as a School. With the approval of the Commissioners of National Education, the School was removed to these new premises. The Schoolmaster continued, and still continues to reside in the old Schoolhouse, and to use the land connected with it for his own profit, as part of the emoluments of his office. When the new Schoolhouse was first acquired by Mr. Wheeler, there was no playground attached to it, and he entered into negotiations with the landlord to take up from the occupying tenant for that purpose, a sufficient portion of a field which surrounded the building.

As the Preliminary Inquiry, the representatives of the Parishioners, and the occupying tenant of the land proposed to be taken, objected to the removal of the School.

The Commissioners visited the premises, and satisfied themselves that the old Schoolhouse was unfit for use as a School, and that the new Schoolhouse could be rendered completely suitable by making some small additions and improvements, and by acquiring land for a playground.

The Draft Scheme was published on Feb. 29, 1892. The proceedings to take land for the playground were then pending, and by order of the County Court Judge of Kildare, dated January 2, 1893, pursuant to the Land Law (Ireland) Act, 1881, the landlord was empowered to resume 5a. 2r. 2r. adjoining the new Schoolhouse, "for the purpose of making a grant or lease thereof for the enlargement of the site, or for a playground, or for other purposes in connection with the School," and the sum of £40 was fixed as the compensation to be paid to the tenant, and £4 was assessed as the rent of the land to be so taken up. Mr. Wheeler paid the £40 to the tenant, and got possession of the land for the purposes of the School at the rent of £4.

Objections to the Draft Scheme were received from certain Parishioners, and the Commissioners held a further inquiry at Kilmacogue on December 16, 1892, for the consideration of these Objections. They refer to the evidence then taken.

Final Report, Dec. 16, 1892, pp. 92-106.

The Judicial Commissioners were entirely satisfied that the establishment of the School in the new premises, acquired by Mr. Wheeler for the purpose, was highly advantageous. Furthermore, it was shown to them that the Commissioners of National Education would not sanction the removal of the School back to the old and unsanitary buildings, but that those buildings, with the land adjoining, might and ought to be utilised for the residence of the Master and as an addition to his emoluments, unless and until a residence could be provided for him in connection with the new School; but if such could be provided, then the value of the old School premises might, with advantage, be realised as an increase to the Endowment.

Accordingly, the Scheme provides for the permanent maintenance of the School in the new buildings; for the permanent appropriation to the use of the School of not less than one statute acre of the adjoining land, being a quantity amply sufficient both for a playground and for the site of a Master's residence; for the letting to the best advantage of the surplus land as an addition to the

Endowment; and also for the retention of the old School premises for the residence and profit of the Teacher, unless and until another residence, approved by the Commissioners of National Education, has been provided; whereupon, with the sanction of the said Commissioners, but not otherwise, the old premises may be disposed of to the best advantage, "if the said Commissioners are satisfied that the same are no longer required for the purposes of the School or of the Teacher or Teachers thereof."

The Scheme vests all the property comprised in the Endowment in a Governing Body formed, with the consent of the Rev. George Garrett and Mr. Wheeler, as follows:—It consists of the Bishop of the Diocese or his deputy; Mr. Wheeler, or other the Patron of the School, recognised as such by the Commissioners of National Education; the Incumbent and Churchwardens of the Parish of Kilmagee; and two co-opted Governors, residents or owners of landed property in the County of Kildare, or persons of experience in education or otherwise specially qualified to assist in the management of the School. The first co-opted Governors named in the Scheme were nominated by the Rev. George Garrett and Mr. Wheeler, and have consented to act. The Scheme further provides that so long as the Select Vestry shall contribute £5 per annum to the funds of the School, the Governors shall co-opt another member of the Select Vestry to be an additional Governor; and if the Select Vestry contribute £5 more to the funds, the Governors may provide for the election of another additional Governor by the Select Vestry itself. So long as there are ten or more Subscribers of not less than £5 in one sum, or 10s. per annum, to the funds of the School, the Subscribers will be entitled to elect one additional Governor for every ten Subscribers, but not more than two Governors in all.

Repeating the observation that they would not feel justified in altering the constitution of this Governing Body without the consent of the applicants for the Scheme, the Commissioners submit that the Objections should not be acceded to, for the following reasons:—

The co-option of two Governors is desirable to secure a sufficient number of members of the Governing Body; the Incumbent and two Churchwardens are necessarily members of the Select Vestry, and give sufficient representation to that Body, so long as the Parishioners do not subscribe to the funds of the School. The condition of subscribing £5 as a qualification for the co-option of another member of the Select Vestry, and of subscribing £5 more to secure the right to the Select Vestry of electing a further additional Governor, with the power given to Subscribers to elect two Governors for £10 per annum, or one Governor for £5 per annum, appeared to be just and adequate.

The old School premises are fully secured for the use of the Teacher so long as they are required for that purpose, but if no longer so required, they are to be made available as an increase to the Endowment. The rent of the new Schoolhouse for ten years, and all the expense of acquiring the new plot of land, have been defrayed by Mr. Wheeler, and the surplus land is more than sufficient to provide the amount of the rent in future. If a new residence is found desirable, a grant or loan for the purpose of erecting it can be obtained through the Commissioners of National Education, and it cannot be erected without their sanction. The Scheme provides, completely and without expense, for the vesting of all the property comprised in the Endowment in an incorporated Governing Body endowed with full powers of management.

By order of the Judicial Commissioners,

N. D. MURPHY, *Secretary.*

Office of the Commission,  
23 Nassau Street, Dublin,  
Feb. 12, 1895.